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## Does a valid will entitle a party for injunctive reliefs?

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### Introduction

A dispute in relation to a property between parties may relate either to a person's legal character or rights or interest in the property. A cloud upon the title is something which is semblance of the title, either legal or equitable, or a claim of an interest in property, appearing in some legal form, but which is in fact unfounded, or which in fact would be inequitable to enforce.

Even though if the essential elements are established, yet it is a discretion of the court to grant the relief. The relief of Declaration cannot be claimed as a matter of right. In case where the necessary parties are not joined the Courts can reject the suit for declaration. The Court has to consider the nature of obligation in respect of which performance is sought. No hard and fast rule can be laid down for determining whether this discretionary relief should be granted or refused. The exercise of this discretion depends upon the chances of each case. A remote chance of succeeding an estate cannot give a right for obtaining a discretion that alienation by a limited owner is void.

In a suit for declaration of rights or character and injunction the plaintiff will have to substantiate/ prove his rights as claimed thereof. Accordingly, the Court may in its discretion award the rights so prayed along with permanent injunction, if deemed fit and necessary in the facts of the case. The utility and importance of the remedy of declaratory suits are manifest, for its object is to prevent future damages and litigation by removing existing cause of action.

Injunction is a judicial order that enforces/restrains a party from pursuing or continuing behaviour that hinders the legal rights of other persons or require a party to do something positive to comply with a legal obligation. An injunction is not a matter of right, but are granted at the discretion which must be exercised judicially and not arbitrarily.

The Supreme Court of India, in *S. Santhana Lakshmi & Others vs. D. Rajammal (Civil Appeal)*<sup>1</sup>, revisited fundamental principles governing injunction suits, the proof of testamentary instruments, and the indispensable need to seek declaratory and possessory reliefs where title and possession are in dispute. The present judgment, serves as a significant reaffirmation of procedural discipline and evidentiary precision in property disputes, particularly where ownership is claimed under a Will.

This decision stands out as it delineates the boundaries of an "injunction simpliciter" and underscores that such relief cannot be granted in absence of a clear declaration of title or possession. It harmonizes the procedural law under the Code of Civil Procedure, 1908 ("CPC") with substantive principles under the Indian Succession Act, 1925 and the Indian Evidence Act, 1872.

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<sup>1</sup> SLP (C) No. 18943 of 2024 decided on 7 October 2025



## **Factual Matrix**

The genesis of the dispute lies in a family conflict between siblings over a parcel of land measuring approximately 1.74½ acres, located in Tamil Nadu. The plaintiff, Rajammal, filed a suit seeking injunctive reliefs-first, to restrain alienation or encumbrance of the suit property; and second, to restrain interference with her alleged peaceful possession.

Her claim was predicated upon a Will dated 30 September 1985, executed by her father, Rangaswamy Naidu, bequeathing the property equally to her and her brother Govindarajan. The defendant, Munuswamy (another brother), however, claimed possession as a co-owner, contending that the property had been divided during their father's lifetime under an arrangement in 1983. The plaintiff, on the other hand, asserted that the defendant continued to occupy the property merely as a tenant under their father.

## **Trial findings**

### **1. Trial Court:**

The Trial Court upheld the validity of the Will and granted the injunctions sought, holding that the property was the absolute property of the testator and that the Plaintiff's possession flowed from her title.

### **2. First Appellate Court:**

The Appellate Court reversed the decree granted by the Trial Court, holding that the property was ancestral in nature and that the testator lacked competence to bequeath it. Consequently, the Plaintiff's title failed, and the injunction was denied.

### **3. High Court in Second Appeal:**

The Madras High Court framed two substantial questions of law, whether the first Appellate Court correctly found the suit property to be joint family property, and whether the Defendant's documentary evidence was properly construed. It restored the Trial Court's decree, holding that the Will stood proved and the Plaintiff's title was established.

### **4. Supreme Court:**

The Apex Court, while affirming the proof of the Will, found the relief of injunction to be unsustainable due to absence of declaratory or possessory claims.

## **Legal Issues and Findings**

### **1. On Proof of Will**

The Supreme Court affirmed that the Will dated 30.09.1985 bequeathing the suit property to the Plaintiff stood duly proved in compliance with Section 68 of the Evidence Act, 1872. The signatures of the testator were attested by credible witnesses—one being the plaintiff herself (PW1) and the other the son of a deceased attesting witness (PW2). The Court thus found no infirmity in the proof of execution and attestation.



## 2. On Nature of Property and Right to Bequeath

Despite the Will being proved, the Court noted that the testator's right to bequeath the property remained "under a cloud." The question whether the property was self-acquired or ancestral was left unresolved, as no clear finding or declaratory relief was sought. Consequently, the title claimed under the Will lacked finality.

## 3. On Maintainability of Injunction Suit

The Court emphatically held that a suit for injunction simpliciter cannot be maintained where possession is admittedly not with the plaintiff, and where the title itself is disputed. The judgment reaffirms the settled principle laid down in *Anathula Sudhakar v. P. Buchi Reddy* [(2008) 4 SCC 594]<sup>2</sup>, wherein the Supreme Court clarified that when there is a cloud over title, a suit for declaration and consequential reliefs is mandatory.

In the present matter, the Plaintiff admitted that the Defendant was in possession. Thus, the Trial Court and High Court erred in granting injunctions against interference with possession. The apex court observed that the plaint was "ill-drafted," and the admissions of the Plaintiff herself ought to have constrained the lower courts from granting relief.

However, the Court sustained the injunction restraining alienation, on the pretext that neither party had obtained a declaration of ownership, and hence alienation during pendency would prejudice both sides.

### Directions and Liberty Granted

Recognizing that both parties were siblings and that the property dispute persisted without a conclusive determination of ownership, the Hon'ble Supreme Court granted liberty to either party to institute fresh proceedings for declaration of title and consequential possession within three months. Importantly, the Hon'ble Supreme Court directed that no alienation or encumbrance on the property shall take place until such proceedings are decided.

### Analytical Perspective

This judgment underscores two vital principles of civil jurisprudence:

#### 1. Possession Follows Title, But Not in Absence of Proof:

The mere existence of a Will, even if proved, does not entitle a party to injunctive relief unless title and possession are both established.

#### 2. Injunctions Cannot Substitute Declarations:

The case serves as a cautionary precedent against ill-conceived suits for injunctions where ownership is contested. The Court's insistence on procedural propriety restores doctrinal clarity to the concept of "injunction simpliciter."

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<sup>2</sup> (2008) 4 SCC 594



The decision also reflects the Court's balancing approach—while dismissing the claim for injunction, it preserved parties' rights to approach the court afresh, thus avoiding unjust enrichment or dispossession through procedural technicalities.

## **Conclusion**

The ruling in *S. Santhana Lakshmi v. D. Rajammal* reaffirms the jurisprudential design that title disputes cannot be resolved through injunction suits.

In its pragmatic conclusion, the Supreme Court has not only rectified the legal misapplication by the courts below but also ensured that familiar equities are preserved through the liberty clause. This case thus stands as a guiding authority on the interplay between ownership, possession, and injunctive reliefs under Indian civil law.

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